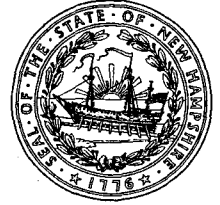




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
SP 2005-05**

July 25, 2005

Stephen Osborn
35 Fairfield St
Lowell, MA 01851

RE: DES Wetlands File #2005-01474, 149 Lakeshore Rd, Gilmanton

Dear Mr. Osborn:

On June 29, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Gilmanton Tax Map 47 as Lot 14 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700 and RSA 483-B Env-WS 1400-1409.

During the inspection the following deficiencies were documented on Shell Camp Lake:

1. A healthy well-distributed stand of trees, saplings, shrubs and ground covers have not been left in place within the 150 foot reference line. Approximately 60 feet from the road to the shoreline was cleared.
2. DES took measurements of standing trees and stumps, which after calculation, exceeded the 50 percent basal area. Approximately 8.8 square feet of basal area was removed and 7 square feet was left standing. Therefore 1.8 square feet needs to be replaced.
3. Approximately 1,517 square feet of fill was deposited in wetlands without a permit.
4. Slash was observed in Shell Camp Lake and adjacent wetlands.

Pursuant to RSA 483 B: 9 V. (a) Not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20 year period. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place.

Therefore, in response, you are requested to take the following actions, within 30 days of receipt of this Letter of Deficiency:

1. Hire a New Hampshire certified wetlands scientist to delineate all wetland boundaries.
2. Provide DES with a tree-plot plan of all trees, saplings, and shrubs on the site; include the trees, saplings, and shrubs that were removed.
3. Remove all slash from the lake and adjacent wetlands.
4. Submit a restoration plan to DES.

The restoration plan should include replacement of native and natural vegetation and restoration of the natural shoreline of Shell Camp Lake. Please submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 - i. existing conditions, to include the Normal High Water Line (reference line)
 - ii. proposed conditions after restoration of the natural wetland buffer with native vegetation and removal of fill from wetlands.
- b. A detailed description of the proposed means of erosion and sediment controls and stabilization of the restoration area;

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- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A planting plan showing the numbers, type of plant species, proposed location of plantings, and diameters of the plant species. DES requires the planting of 2-3" caliper trees, shrubs, and groundcover from the list of New Hampshire native and naturalized species that do well in wet soils (copy enclosed). A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.

5. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,


Colles C. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8424 3150

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Gilmanton Conservation Commission
Gilmanton Board of Selectmen
USACOE